UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ERGON, INC. and ERGON ASPHALT &

EMULSIONS, INC.,

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Case No. 11 CIV 1080 (LTS)(FM)

Plaintiffs,

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AFFIDAVIT OF SERVICE

NYMAGIC, INC., NEW YORK MARINE AND GENERAL INSURANCE COMPANY, MUTUAL MARINE OFFICE, INC., and MUTUAL MARINE OFFICE OF THE MIDWEST, INC.,

Defendants.

Patrick J. Dwyer, of full age, being duly sworn according to law, hereby deposes and says:

- 1. I am an attorney-at-law of the State of New York and am a member of the firm of Smith, Stratton, Wise, Heher & Brennan, LLP, attorneys for New York Marine and General Insurance Company, by its managing general agent and attorney-in-fact ProSight Specialty Management Company, Inc., formerly known as Mutual Marine Office, Inc., in the above-captioned matter.
- 2. I have, this date, caused a copy of the Answer and Disclosure Statement Pursuant to Rule 7.1 to be served via the court's ECF system.

Dated: New York, New York May 16, 2011

SMITH, STRATTON, WISE, HEHER & BRENNAN, LLP

By: /s/Patrick J. Dwyer
Patrick J. Dwyer, Esq.

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